

# Dawn Raids

## Guidelines for Managing an Unannounced External Investigation

**Enforcement authorities across the UK are increasingly using the investigation technique of unannounced searches of premises and seizure of evidence, commonly referred to as 'dawn raids', as part of their enforcement activities.**

Frequently targeting both domestic and commercial spaces, search warrants are an aggressive investigation tool designed to tip the power dynamic in favour of the enforcement authority. A dawn raid is often an enforcement authority's first public announcement that an investigation is live. This can act as a siren call to a business' shareholders, suppliers, customers, competitors and the press, and can have a catastrophic impact on the business itself if not efficiently and effectively managed.

Dawn raids will see key individuals being formally interviewed, sometime under caution, and often under arrest. Multiple and coordinated raids across jurisdictions are common. The press has also been known to turn up to witness the raid unfold which could result in the fact of the investigation becoming public knowledge even before the raid itself has concluded. With so many moving parts, every business should prepare for the possibility of a dawn raid and understand what to expect.

Fieldfisher has specialist teams in London, and across its European offices, who can provide tailored advice to businesses on preparing for dawn raids. In the event that a dawn raid occurs, our teams are on call to attend on site to manage and monitor the search, and to deal with the aftermath, including advising on the legal basis for the search, individual and corporate criminal advice, managing regulatory issues, follow-on litigation, and advising on tax, employment and reputation concerns.

# Introduction

**Dawn raids have received significant media attention of late, helped in no small part by the Serious Fraud Office (the "SFO") inviting the Financial Times (the "FT") to observe a raid in real time from the SFO's HQ in November 2023. The move was a bold one by the SFO's new director, Nicholas Ephgrave, as 12 years previously the FT, without the need for an invitation, dedicated many headlines to the very public unwinding of dawn raids conducted by the SFO under former chief executive, Sir David Green.**

In 2011, the SFO executed warrants to search the properties of the Tchenguiz brothers in London with much fanfare and reporters on site to capture the drama. However, a year later the warrants were held in court to be unlawful, and all documents procured under them had to be returned. The fallout included a call for a review of the warrant process and how raids were to be conducted in the future. Such was the furor, the SFO effectively abandoned their use under Green and his successor, Lisa Osofsky, until the arrival of Ephgrave in 2023.

It is perhaps unsurprising that Ephgrave has heralded a return to vogue of the use of dawn raids at the SFO.<sup>1</sup> He is, after all, a former Met police officer where their use to establish an early power dynamic in an investigation is not unusual. And it is not just the Police who regularly use dawn raids. This is a tool available to and actively used across the enforcement network spanning criminal, regulatory and competition authorities worldwide. Businesses across all sectors are therefore at risk of being subject to a dawn raid.

<sup>1</sup>The SFO have conducted five dawn raids since November 2023: Axiom Ince, AOG Technics, Signature Group, Arena Television Limited and the Carlauren Group.

## What is a dawn raid?

Dawn raids are unsettling and destabilising events. They typically involve an unannounced visit by a team of investigators from one of the enforcement authorities, usually accompanied by the police, to search a premises suspected of being involved in criminal activity. Once upon the premises, investigators will review and seize materials, which will include paper and electronic records, as well as digital equipment including computers, mobile phones and other electronic devices. They may also arrest relevant individuals, conduct interviews, and ask questions of staff who are present.

The search is designed to be without notice and is usually initiated shortly before the start of the working day, to minimise the risk of evidence tampering or destruction. A raid can be carried out simultaneously at multiple business locations and often includes the homes of key executives where investigators suspect evidence could be obtained there.

# Who can conduct a dawn raid?

In the UK, the key authorities who are empowered to use dawn raids comprise: the SFO, England and Wales Police Forces, Police Scotland, the Financial Conduct Authority ("FCA"), Her Majesty's Revenue and Customs ("HMRC"), the Competition and Markets Authority ("CMA"), the Health and Safety Executive ("HSE") and the Information Commissioner's Office ("ICO") (together the "Enforcement Authorities").

Each of the Enforcement Authorities actively uses dawn raids as an investigation tool. However, each Enforcement Authority has different procedural rules and so it is vital at the outset to clarify who is leading the dawn raid and the underlying investigation as this will dictate the scope of the relevant investigator's powers.



# What can an Enforcement Authority do during a dawn raid?

Depending on which Enforcement Authority is investigating, they will have a search warrant or other authorisation indicating the purpose and scope of the investigation. An authorisation will enable investigators to enter premises using such force as is reasonably necessary, and search and seize relevant documentation or take any other steps which appear necessary for preserving such documents. It essentially sets the boundaries of the investigation, and its delimited terms ought to be strictly observed.

In addition to powers of search and seizure, restraint orders can be served (effectively freezing assets) and key individuals can be formally interviewed and placed under arrest. Other members of staff can also be questioned.

Early legal involvement in this situation can pay dividends. As evidenced by the Tchenquiz warrants, referred to above, mistakes are made, and you should not assume that an authorisation is effective or that the Enforcement Authorities will respect the confines of the authorisation.

Before granting access to the Enforcement Authorities, the terms of the authorisation should be examined closely to ensure it is not defective. Details are critical here. Points to watch out for include the following:

- 1 the name of the company or persons subject to the investigation;
- 2 the address at which the investigation is to take place;

- 3 the names of the investigators specifically authorised to conduct the investigation;
- 4 the date of issue of authorisation and any expiry date;
- 5 the person/authority which has issued the authorisation; and
- 6 whether there are any stated reasons for authorising entry/access.

While it is important not to obstruct the investigation, if the authorisation looks **defective** it should be discussed with external lawyers **before** granting access to the premises to the investigators. If the defect is brought to the attention of the investigators this may mean that the investigation cannot proceed or may mean that the authority cannot rely upon evidence gathered in reliance on the authorisation.

# Do's and don'ts

This is a non-exhaustive list of examples of good practice. Businesses should seek individual advice, tailored to their particular risk exposure.

-  Have a in place clearly setting out the steps staff should take if there is an unannounced on-site inspection.
-  Ensure all staff have received appropriate training.
-  Ensure there is an identified response team which should include senior managers, in-house legal and external legal counsel.
-  Ensure that key people, including main reception / security staff, have the names and contact details of the response team readily available to them.
-  Check the authorisation documents produced by the investigators and send a copy to in-house and external lawyers as soon as possible.
-  Try to delay the start of the search until members of the response team arrive.
-  Try to avoid answering any substantive questions until a lawyer is present, whilst ensuring you remain cooperative with investigators.
-  Make a factual note of the investigation, including any documents or devices seized and any employees interviewed or spoken to.
-  Alert the individuals who are the subject of the investigation about the imminent investigation. Criminal penalties can arise for “tipping off”
-  Tell anyone within or outside the business (other than the response team) that an investigation is taking place.
-  Obstruct the inspection, e.g. by refusing to cooperate or by removing, destroying or corrupting any documents or devices.
-  Allow the investigators to wander unaccompanied within the premises. A member of staff should accompany each throughout.
-  Attempt to respond to questions if you do not know the answer.
-  Speculate or volunteer additional information, views or opinions, or respond to questions not connected to the investigation.
-  Sign any account of the answers given to investigators during questioning without carefully checking the content. If in any doubt, do not sign it and seek advice from Legal or external legal.
-  Make any personal commentary on the investigation in writing or by telephone.

# Contacts



## Natalie Quinlivan

Director, Dispute Resolution  
+44 (0)330 460 6723  
natalie.quinlivan@fieldfisher.com



## Quinton Newcomb

Partner, Dispute Resolution  
+44 (0)330 460 7370  
quinton.newcomb@fieldfisher.com



## George Gillham

Partner, Head of  
Contentious Tax  
+44 (0)330 460 7044  
george.gillham@fieldfisher.com



## Jessica Gardner

Partner, Regulatory  
+44 (0)330 460 6986  
jessica.gardner@fieldfisher.com



## James Seadon

Partner, Head of  
Data Disputes  
+44 (0)330 460 6533  
james.seadon@fieldfisher.com



## Kirsten Whitfield

Partner, Data  
+44 (0)330 460 7058  
kirsten.whitfield@fieldfisher.com



## Hannah Disselbeck

Senior Associate  
EPIC (Employment)  
+44 (0)330 460 6715  
hannah.disselbeck@fieldfisher.com



## Nicholas Thorpe

Partner, EPIC (Employment)  
+44 (0)330 460 6724  
nicholas.thorpe@fieldfisher.com



## Shiv Haria-Shah

Partner, Dispute Resolution  
+44 (0)330 460 6224  
shiv.haria-shah@fieldfisher.com



## Tony Lewis

Partner, Dispute Resolution  
+44 (0)330 460 6692  
tony.lewis@fieldfisher.com



## Adam Sturt

Partner, Dispute Resolution  
+44 (0)330 460 6578  
adam.sturt@fieldfisher.com



## Andrew Sanderson

Partner, Dispute Resolution  
+44 (0)330 460 6590  
andrew.sanderson@fieldfisher.com

With contribution from [Annabel Twose](#).